

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION**

**W.T. DAVIS, INDIVIDUALLY;  
AARON GORDON AND CARLTON R. BERRY  
ON BEHALF OF A CLASS OF TAXPAYERS  
OF GARLAND COUNTY, ARKANSAS, SIMILARLY SITUATED;  
AND THE GARLAND COUNTY CHAPTER OF THE N.A.A.C.P.** **PLAINTIFFS**

**VS. CASE NO. 6:89-CV-06088**

**HOT SPRINGS SCHOOL DISTRICT;  
STATE OF ARKANSAS;  
ARKANSAS STATE BOARD OF EDUCATION;  
THE COMMISSIONER OF THE STATE BOARD OF EDUCATION;  
CUTTER MORNING STAR SCHOOL DISTRICT;  
FOUNTAIN LAKE SCHOOL DISTRICT;  
JESSIEVILLE SCHOOL DISTRICT  
LAKE HAMILTON SCHOOL DISTRICT;  
LAKESIDE SCHOOL DISTRICT; AND  
MOUNTAIN PINE SCHOOL DISTRICT** **DEFENDANTS**

**AFFIDAVIT OF MARSALIS WEATHERSPOON**

**STATE OF ARKANSAS            )  
  ) SS  
COUNTY OF GARLAND        )**

**COMES NOW** the Affiant, Marsalis Weatherspoon, having first been duly sworn and, under oath, states as follows:

1. I am Marsalis Weatherspoon and I am the President of the Hot Springs Branch of the NAACP, Unit Number 6013, and am a successor Plaintiff to W.T. Davis, who at the time of filing the 1989 civil rights action was the President of the local Chapter of the Garland NAACP.

2. I am a Jessieville School District employee and I am a professional educator and have been for eight (8) years.

3. I have had the opportunity to review and monitor statistics that have been compiled from each School District concerning important data reflecting on minority students and the ratio of black students to white students and the compliance of each District with the Settlement Agreement. The Settlement Agreement appears to be broad and designed for continued multicultural education, including textbook and instructional material selection. As a teacher in the Jessieville School District of Garland County, Arkansas, I am concerned with the self-esteeming curriculum as I am not aware of a meaningful curriculum in this area. I am also concerned with the State Defendants, Department of Education, and their trend toward the prohibition of what they have deemed "Critical Race Theory." I have reviewed data on the Arkansas Department of Education website for each of the Districts and the data does not reflect total and complete compliance with the Settlement Agreement nor does it reflect efforts to be made.

4. For instance, the number of black teachers in Cutter-Morning Star School District and Fountain Lake School District reflects that there are no black teachers and Jessieville School District reflects that there is only one black teacher and/or employee and that would be myself, and only a small number of black teachers in Lake Hamilton School District, Lakeside School District, and Mountain Pine School District and no explanation offered concerning minority hiring. In all of the School Districts, the statistics show that there is a larger number of the percentage of African Americans receiving out-of-school suspension than there are in the percentage of African American students. This is alarming and reflects that there has not been compliance with the Settlement Agreement, which in one part states on Page 9 of the Agreement which is attached as Exhibit "A," "the Department of Education agrees to assist the Districts, at its expense,

with problems over-identification of special education students, over-identification of minority students in special education, and under-identification of minority students and gifted and talented programs providing the following programs:.....”

5. The Garland County Education Consortium created under the Settlement Agreement has been working cooperatively with the NAACP but was designed to “prevent a depreciation in the quality of education in school districts in which there is an unequal racial balance.” I feel that granting Defendants relief would significantly depreciate the ability of the Plaintiffs and others in the community to determine if there are good racial relations within each of the seven (7) School Districts in Garland County.

6. I controvert the Affidavits of Dr. Nancy Anderson of Cutter-Morning Star School District, Stephen Campbell of Fountain Lake School District, Dr. Stephanie Nehus of Hot Springs School District, Melissa G. Speers of Jessieville School District, Shawn Higginbotham of Lake Hamilton School District, Bruce Orr of Lakeside School District, and Bobby Applegate of Mountain Pine School District, in stating that they have complied with the terms of the Settlement Agreement.

7. The terms of the Agreement required continuous monitoring and the statistics of the ratio of minority students to others is not improved nor is there any explanation offered for the lack of minority staff members (teachers and administrators).

8. I controvert the Affidavits of Dr. Nancy Anderson of Cutter-Morning Star School District, Stephen Campbell of Fountain Lake School District, Dr. Stephanie Nehus of Hot Springs School District, Melissa G. Speers of Jessieville School District, Shawn Higginbotham of Lake Hamilton School District, Bruce Orr of Lakeside School District, and Bobby Applegate of Mountain Pine School District, that with respect to multicultural

and self-esteem curriculum, it is implemented into all subject areas and grade levels, as this is a self-serving conclusory allegation.

9. Arkansas legislature has just passed what is called the "LEARNS Act" which is a complete overhaul of the education requirements in the state of Arkansas and monitoring is more important with the implementation of new law than at any other time in our history.

**FURTHER AFFIANT SAYETH NOT.**

  
**MARSALIS WEATHERSPOON**

**SUBSCRIBED AND SWORN** to before me, a Notary Public, on this 13<sup>th</sup> day of October, 2023.

**MY COMMISSION EXPIRES:**

  
**NOTARY PUBLIC**

